

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. CR 18-172-GW

Date February 10, 2025

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Interpreter None

Javier Gonzalez

*Deputy Clerk*

Terri A. Hourigan

*Court Reporter*

Kyle W. Kahan; Jason A. Gorn;  
Kellye Ng; J. Mark Childs

*Assistant U.S. Attorney*

<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust.</u>	<u>Bond</u>	<u>Attorneys for Defendants:</u>	<u>Present</u>	<u>App.</u>	<u>Ret.</u>
1. Michael Lerma	✓	✓		1. Marri B. Derby, CJA Joel Furman, CJA	✓	✓	
6. Carlos Gonzalez	✓	✓		6. Richard G. Novak, CJA Kenneth M. Miller, CJA	✓	✓	
7. Juan Sanchez	✓	✓		7. Richard P. Lasting, CJA Charles Diamond, CJA	✓	✓	
8. Jose Valencia Gonzalez	✓	✓		8. Shaun Khojayan, CJA Daniel A. Nardoni, CJA	✓	✓	

**Proceedings: PRETRIAL CONFERENCE**

Oral argument is held as to Motions in Limine. The Court, as stated on the record rules as follows:

Government's Motions in Limine:

No. 1 to Admit Prior Convictions for Impeachment Purposes under Federal Rule of Evidence 609 [1349] is DENIED.

No. 2 to Admit Enterprise Evidence, Inextricably Intertwined Evidence, and 404(b) Evidence [1352] is GRANTED in part and DENIED in part.

No. 3 for Finding of Unavailability and Admission of Prior Testimony of Unavailable Witnesses [1325] is DENIED.

No. 4 to Admit Statements of Co-Conspirators Pursuant to Federal Rule of Evidence 801(d)(2)(e) [1360] is DENIED without prejudice.

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No. 5 to Exclude Defense Expert Witnesses or, in the Alternative, Request a *Daubert* Hearing [1327]. The Court will allow further response as to Jaclyn Garfinkle. Motion as to Jaclyn Garfinkle is CONTINUED to February 12, 2025. Motion is MOOT as to Mark Eskridge. Motion is DENIED as to Anthony Solis. The Motion is GRANTED in part and DENIED in part as to Tim Gravette. The Motion as to Kathy Pezdek is CONTINUED to February 12, 2025. Defense supplemental brief is due forthwith. The Motion as to Dr. Melinek and Dr. Mohini Rantanthan is MOOT as to Dr. Melinek and DENIED without prejudice as to Dr. Rantanthan. Government will provide video of incident to the Court forthwith.

No. 6 to Admit Consciousness of Guilt Evidence [1329] is GRANTED.

No. 7 to Exclude Impeachment Evidence of Government Witnesses Pursuant to Federal Rules of Evidence 608 and 609 [1364] is DENIED.

No. 8 for a Finding of Legislative Fact That the Alleged Locus of First Degree Murder under 18 U.S.C. § 1111 Is Within the Territorial Jurisdiction of the United States [1331] is GRANTED. Government will prepare and file a proposed order forthwith.

Defendant Jose V. Gonzalez's Motion in Limine for Prospective Jurors to View the Western District of Washington's Unconscious Bias Juror Video and for Court to Seek Permission From WDWA Executive/Clerk to Use the Video [1318] is DENIED.

Defendant Carlos Gonzalez' Motion to Limit the Expert Testimony of Los Angeles County Deputy Sheriff Devon P. Self, and for Evidentiary Hearing [1320] is CONTINUED to February 12, 2025. The parties are to file a joint report by close of business on February 11, 2025.

Defendant Michael Lerma's Motion in Limine to Exclude any Reference to the "Michael Lerma Cell" or "Cell Enterprise" [1333] is GRANTED in part and DENIED in part.

Defendant Carlos Gonzalez' Motion in Limine to Exclude Evidence of Statements Purportedly Made by Him and the Co-Defendants or, in the Alternative, for Other Relief [1345] is CONTINUED to February 12, 2025.

Defendant Jose V. Gonzalez's Motion in Limine to Exclude Certain Evidence that Violate FRE 403, 404(b), 602, 802 and the Sixth Amendment's Confrontation Clause [1346] is CONTINUED to February 12, 2025.

Defendant Jose V. Gonzalez's Motion in Limine to Exclude Certain DNA Evidence and Findings in Violation of FRE 401, 402, 403, and the Fifth Amendment Right to a Fair Trial [1351] is DENIED without prejudice.

Defendant Michael Lerma's Motion in Limine to Exclude Jail Writings and Testimony about Jail Writings [1371] is DENIED without prejudice.

Government to prepare summary of the Court's Motions in Limine rulings by close of business on February 12, 2025.

The pretrial conference is CONTINUED to February 12, 2025 at 10:00 a.m.

The Government's request to amend the witness/exhibits lists is GRANTED.

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Court and counsel confer re jury questionnaire. New version of questionnaire to be provided to the Court forthwith.

Court and counsel confer re Defendant Jose Valencia Gonzalez's Motions [1244, 1277] currently under submission. The parties are to meet and confer, and attempt to resolve.

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Initials of Deputy Clerk JG